

## REMARKS

The present application includes pending claims 1-68, all of which have been rejected.

Initially, the Applicants note that the Examiner initialed the wrong information disclosure statement. See February 29, 2008 Office Action. The Applicants therefore request that the Examiner consider and initial the Information Disclosure Statement that the Applicants filed **with respect to the present application** on January 25, 2008.

Claims 1-7, 9, 12-19, 21, 24, 37-42, 44-51, 53, 56-63, 65 and 68 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 7,065,778 ("Lu") in view of U.S. 7,055,104 ("Billmaier"). Claims 8, 20, 43, 52 and 64 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Billmaier and U.S. 7,084,994 ("Koppich"). Claims 10, 11, 22, 23, 25-32, 34-36, 54, 55, 66 and 67 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Billmaier and U.S. 7,170,546 ("Pocock"). Claim 33 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Pocock and Koppich. The Applicants respectfully traverse these rejections for at least the reasons previously discussed during prosecution and the following:

**I. The Proposed Combination Of Lu And Billmaier Does Not Anticipate Claims 1-7, 9, 12-19, 21, 24, 37-42, 44-51, 53, 56-63, 65 And 68**

Initially, the Applicants note that if a *prima facie* case of obviousness is not established, the Applicants are under no obligation to submit evidence of nonobviousness.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

See MPEP at § 2142.

With that in mind, Lu “relates to the field of utilizing personalized video recorders and other similar types of devices to distribute television programming.” *See* Lu at column 1, lines 7-11. In particular, Lu discloses a system in which a user is able to record a show that is transmitted in another broadcast area. *See id.* at Abstract.

For example, Lu describes the following:

Specifically, personalized video recorder 200 is coupled to the Internet 302 such that it can receive an electronic programming guide (EPG) containing worldwide television programming from an EPG server computer 304. The user of personalized video recorder 200 utilizes the EPG to request delivery of a specific television show that may not be available to him or her. Upon reception of the request from personalized video recorder 200, EPG server computer 304 locates via Internet 302 one or more personalized video recorders... situated within a broadcast region of the requested television show. Subsequently, EPG server computer 304 programs one or more personalized video recorders... to record the requested television show when it is broadcast by a television content provider.... Once the personalized video recorders... record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requested personalized video recorder 200. In this manner, the present embodiment enables personalized video recorder 200 to order and receive specific television shows that are unavailable from its television content provider....

Lu at column 6, lines 39-61. Thus, Lu discloses a system in which a user sends a recording request that is received by a server computer via the Internet. The server computer then arbitrarily locates a recorder within the broadcast region of the show, and then sends the recorded show back to the requesting user.

Independent claim 1 recites, in part, “server software that maintains a user defined association of the first and second network addresses [with respect to first and second users, respectively, at first and second homes, respectively, wherein the second user is known to

**the first user]**, receives, via a communication network, a request that identifies one or more of the associated first or second network addresses, a user identifier, and authorization information, and **responds by identifying the other of the associated first or second network addresses....**” Independent claims 13, 37, 45 and 57 recite similar limitations. Lu does not describe, teach, or suggest such limitations. Instead, Lu merely discloses that a user of a PVR requests delivery of a specific television show, at which point a server computer arbitrarily locates another PVR in a particular broadcast area to record the show for the requesting PVR. Thus, for at least these reasons, the Applicants respectfully submit that Lu does not anticipate claims 1, 13, 37, 45, 57 or the claims that depend therefrom.

Nevertheless, the Office Action continues to cite Lu only at column 6, lines 54-58 as disclosing maintaining “a user defined association of the first and second network addresses.” See February 29, 2008 Office Action at pages 5, 11, 15, 19-20 and 23. This portion of Lu states, however, the following:

Once the personalized video recorders (e.g., 200A and 200B) record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requesting personalized video recorder 200.

Lu at column 6, lines 54-58. Thus, Lu makes clear that the arbitrarily assigned PVR records the show. The recorded show is then sent to the EPG server. After the EPG server receives the recorded show, it then sends it to the requesting PVR.

Overall, this portion of Lu merely indicates that a recorder requests a show, and then the EPG arbitrarily finds another recorder in a broadcast area to record the show for the requesting recorder. This portion of Lu does not indicate that a user defines an association between first and second network addresses [with respect to users that are known to one another], or that a server

**maintains that user defined association.** In general, there is nothing in this cited portion, nor the remainder, of Lu that describes, teaches or suggests software or a processor that “maintains a user defined association of the first and second network addresses [with respect to first and second users, respectively, at first and second homes, respectively, wherein the second user is known to the first user],” as recited in claim 1, for example. Even if one assumes there is an “association” between the two recorders, such association is arbitrarily determined by the EPG, but is clearly not “user defined.” Thus, for at least these reasons, the Office Action has not established a *prima facie* case of obviousness with respect to the claims. Indeed, these claims are allowable over the cited art.

Additionally, the Office Action cites Lu only at column 6, lines 45-50 as disclosing “respond[ing to a request that identifies one of the associated first and second protocol addresses] by identifying the other of the associated first and second network addresses” See February 29, 2008 Office Action at pages 6, 11, 16, 20 and 24. This portion of Lu states, however, the following:

Upon reception of the request from personalized video recorder 200, EPG server computer **locates** via Internet 302 one or more personalized video recorders (e.g., 200A and/or 200B) situated within a broadcast region of the requested television show.

See Lu at column 6, lines 45-50. The “request” mentioned in this passage is a “request [for] delivery of a specific television show that may not be available to him or her.” See *id.* at column 6, lines 43-45. In response to the request for delivery, Lu discloses that the EPG server “locates one or more personalized video recorders situated within a broadcast region of the requested television show.” Arbitrary location of a recorder within a particular broadcast region in response to a request for delivery of a particular television show is not a response to a request

that identifies one of the associated first and second network addresses that “**identif[ies] the other of the associated first or second network addresses,**” as recited in claim 1, for example.

As discussed at length above, Lu simply does not describe, teach, or suggest “server software that maintains a **user defined** association of the first and second network addresses [with respect to first and second users, respectively, at first and second homes, respectively, wherein the second user is known to the first user], receives, via a communication network, a request that identifies one or more of the associated first or second network addresses, a user identifier, and authorization information, and **responds by identifying the other of the associated first or second network addresses....**” Independent claims 13, 37, 45 and 57 recite similar limitations. Thus, for at least these reasons, the Office Action has not established a *prima facie* case of obviousness with respect to the pending claims.

**II. The Proposed Combination Of Lu, Billmaier And Koppich Does Not Render Claims 8, 20, 43, 52 And 64 Unpatentable**

The Applicants respectfully submit that the proposed combination of Lu, Billmaier and Koppich does not render claims 8, 20, 43, 52 and 64 unpatentable for at least the reasons discussed above.

**III. The Proposed Combination Of Lu, Billmaier And Pocock Does Not Render Claims 10, 11, 22, 23, 25-32, 34-36, 54, 55, 66 And 67 Unpatentable**

The Applicants next turn to the rejection of claims 10, 11, 22, 23, 25-32, 34-36, 54, 55, 66 and 67 as being unpatentable over Lu in view of Billmaier and Pocock. The Applicants respectfully submit that claims 10, 11, 22, 23, 54, 55, 66 and 67 should be in condition for allowance for at least the reasons discussed above.

Additionally, the Office Action acknowledges that “Lu does not specifically teach a telephone voice response system for receiving user input via a telephone network, and having an associated third network address, and server software that receives a request from the telephone voice response system.” *See* February 29, 2008 Office Action at page 28. To overcome these deficiencies, the Office Action cites Pocock. *See id.* at pages 28-29.

Pocock discloses a “television system which is capable of concurrently distributing multiple video presentations having different video information content over a single television channel for receipt by different respective viewers.” *See* Pocock at column 1, lines 11-15. Pocock describes a system in which “[u]ser requested interactive instructions between a user at the terminal end and the presentation system are transmitted by an associated telephone line or other communication link.” *See id.* at Abstract. While Pocock discloses a system in which instructions are transmitted over a telephone line or other communication link, Pocock does not describe, teach, or suggest “server software that receives **from the telephone voice response system a request, and responds by enabling the management of the associated set of options governing the consumption of media.**”

The Office Action cites Pocock at column 6, lines 19-37, and column 12, lines 26-31, as disclosing a telephone voice response system. *See* February 29, 2008 Office Action at pages 2 and 28. Pocock at column 6, lines 19-37 states, however, the following:

Referring now to FIG. 3, an overall system diagram of a television system combining broadcast and interactive television services is illustrated. When an interactive presentation is requested, according to the present invention, the viewer sends instructions to a presentation system 10 at a central location to identify one or more presentations that are desired to be viewed. These instructions are transmitted from the viewer's remote location to the central location by means of a wire, fiber optics, cellular, radio

or other telephone network 12. For example, the instructions might be transmitted as touch tones which the user generates by depressing buttons of the keypad on his telephone set. More preferably, however, the instructions are generated within a user terminal 14 located at the viewer's home, and transmitted over the telephone network as DTMF or modem tones on an analog line, or data on a digital line such as the ISDN format. For ease of use, the terminal 14 is preferably controlled by means of a remote control unit 16, which transmits instructions to the terminal 14 via infrared signals.

**This passage of Pocock merely describes that instructions may be transmitted over a telephone network. This passage does not describe, teach, or suggest, however, “server software that receives from the telephone voice response system a request, and responds by enabling the management of the associated set of options governing the consumption of media.”**

Next, Pocock at column 12, lines 26-31, states the following:

The invention includes alternate methods for creating and modifying the carousel image assignment whereby users could utilize a telephone to access the DAS system or control computer and through the input of DTMF tones or voice prompts, recognizable to the system, create or make changes to a [sic] interactive image carousel.

While this passage of Pocock discloses that an interactive image carousel may be created or changed through input DTMF tones or voice prompts, it does not describe, teach, or suggest “server software that receives from the telephone voice response system a request, **and responds by enabling the management of the associated set of options governing the consumption of media.**” In particular, the creation or modification of an interactive image carousel through voice prompts is not the same as enabling the management of a set of options governing the consumption of media through a telephone voice response system request.

Claims 10 and 22 recite, in part, “server software that receives from the telephone voice response system a request that identifies one of the associated first, second, or third network addresses, a user identifier, and authorization information, and responds by identifying another of the associated first, second, or third network addresses, to support management of one of the associated first or second sets of options governing the consumption of media.” Neither Lu, Billmaier, nor Pocock, describe, teach, or suggest these limitations, as discussed above.

Further, the proposed combination of references also does not describe, teach, or suggest “server software that receives from the telephone voice response system a request, and responds by enabling the management of the associated set of options governing the consumption of media,” as recited in claims 25 and 27. Thus, for at least these reasons, the Applicants respectfully submit that the proposed combination of references does not render claims 10, 11, 22, 23, 25-32, 34-36, 54, 55, 66 and 67 unpatentable.

As noted above, the Office Action specifically acknowledges that “Lu does not specifically teach a telephone voice response system for receiving user input via a telephone network, and having an associated third network address, and server software that receives a request from the telephone voice response system.” *See* February 29, 2008 Office Action at page 28. In order to overcome these deficiencies, the Office Action cites Pocock. *See id.*

**As detailed above, the Applicants have shown that Pocock also does not describe, teach or suggest the relevant limitations. Thus, if Lu does not describe, teach or suggest these limitations (as acknowledged by the Office Action); and Pocock also does not describe, teach or suggest these limitations, then the combination of the two references, by definition, also cannot describe, teach or suggest these limitations.** Thus, the Applicants respectfully

maintain that claims 10, 11, 22, 23, 25-32, 34-36, 54, 55 and 66-67 should be in condition for allowance.

**IV. The Proposed Combination Of Lu, Pocock And Koppich Does Not Render Claim 33 Unpatentable**

The Applicants respectfully submit that claim 33 should be in condition for allowance for at least the reasons discussed above.

**V. Conclusion**

In general, the Applicants invite the Examiner to contact the undersigned attorney to discuss potential amendments that the Examiner believes may lead to an allowance, as the MPEP encourages. See MPEP at § 2173.02 ("Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement.").

As noted above, the Applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness with respect to any of the pending claims. If, however, the Examiner intends to maintain these rejections, the Applicants respectfully request an interview with the Examiner and his supervisor before an Advisory Action is mailed.

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness with respect to any of the pending claims for at least the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. **Nevertheless, the Applicants invite the Examiner to contact the undersigned attorney to discuss potential amendments that will lead to an allowance in order to avoid an appeal to the Board of Patent Appeals and Interferences.** If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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